

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

MOUNTAIN STATES MUTUAL  
CASUALTY COMPANY,

Plaintiff/Counter-Defendant,

vs.

No. 1-09-CV-314-MCA/WDS

SOUTHERN COLORADO CONSTRUCTION, INC.,  
and CHARLES SCHERRER,

Defendants/Counterclaimants.

**ORDER ON PLAINTIFF'S MOTION TO COMPEL AND**  
**REQUEST FOR ADDITIONAL DISCOVERY**

**THIS MATTER** having come before the Court upon on Plaintiff, Mountain States' Motion to Compel and Request for Additional Discovery, the Court having considered the Motion, after hearing from the parties and being fully advised in the premises, finds that the Motion is well-taken and should be GRANTED.

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:**

Defendant, Charles Scherrer, shall amend his response to Request for Admission No. 5 to directly answer the question presented therein.

Defendant, Charles Scherrer, shall amend his response to Request for Admission No. 6 to the extent the request pertains to information he shared with Progressive prior to retaining counsel in relation to his accident with Susan and Stuart Phelps.

Defendant, Charles Scherrer, shall supplement his response to Request for Production No. 4 to provide a release for Mr. Scherrer's dental records related to the accident at issue.

Defendant, Charles Scherrer, shall either produce an unredacted copy of Mr. Scherrer's credit card statement produced in response to Request for Production No. 14, or provide an explanation

as to what has been redacted and why it is privileged or confidential.

Defendant, Southern Colorado Construction, Inc., shall amend its response to Request for Admission No. 9, to directly respond to the question presented therein.

Defendant, Southern Colorado Construction, Inc., shall amend its response to Interrogatory No. 9 to delete all references to Attachment 1 and 3 and to eliminate any inaccurate statements contained therein relating to its response to Request for Admission No. 9.

Defendant, Southern Colorado Construction, Inc., shall amend its response to Request for Admission No. 13, to respond to it as if it was said directly to Mountain States.

Defendant, Southern Colorado Construction, Inc., shall amend its response to Interrogatory No. 9 to provide specific reasons for its denial of Request for Admission No. 14, including listing facts, witnesses, or other information supporting such denial.

Plaintiff is permitted to continue the deposition of Charles Scherrer on issues related to his acquiring and producing Attachments 1 and 3 to his discovery responses and related to other documents he has seen or received regarding Adobe Building Supply. The deposition shall be limited to no more than one (1) hour.



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W. Daniel Schneider  
United States Magistrate Judge

Submitted by:

MODRALL, SPERLING, ROEHL, HARRIS  
& SISK, P.A.

By: /s/ Tim L. Fields

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Approved by:

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By: Telephonically apprpved 7/23/2010

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